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HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 119 of 2019**

Mohammad Hushain @ Raja Khan, S/o. Sheikh Mahmud Khan, Aged About 36 Years, R/o. Pathanpara, Kharsiya P.S. And Chowki, Kharsiya District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralay Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Superintendent Of Police Raigarh, District Raigarh Chhattisgarh.
3. Station House Officer, Police Station And Chowki Kharsiya, District Raigarh Chhattisgarh.
4. Rita Shukla, W/o. Vinod Kumar Shukla, Aged About 35 Years, R/o. Jawahar Colony Kharsiya District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Shri F.S. Khare, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/02/2019**

Heard

1. The present petition is for quashing of the chargesheet filed against the petitioner under Sections 354, 354(D) & 506(B) of IPC.
2. It is contended that the complainant has made a false allegation for which earlier also similar report was made and the chargesheet was filed. Subsequently, again on the false allegations the report was made as the victim has taken a loan of Rs. 2 lakhs from the present petitioner and in

order to avoid the same, the allegations have been made.

3. It is further contended that the alleged false incident is said to have happened in the police station which is completely improbable and in the present case, the averments of earlier evidence have been attached.
4. Perused the statement of the victim. On perusal of the statement and the report, it shows that the positive averments have been made which can only be tested during the trial. In exercise of power under Section 482 of Cr.P.C., the averments made by the petitioner cannot be accepted as it will amount to admission of defence for acquittal.
5. After perusal of the chargesheet, I do not find any reason to exercise the power to quash the proceedings of the chargesheet against the petitioner.
6. The petition is devoid of merit and is dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Vishakha